



CITY OF SAINT PAUL
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Date: December 16, 2014
To: Comprehensive Planning Committee
From: Josh Williams (266-6659), Allan Torstenson (266-6579)
RE: Continued Discussion of **Mississippi River Corridor Critical Area Rules**

On December 11th, the Department of Natural Resources hosted a meeting to introduce what they have termed the “Pre-Revisor’s Draft” of the proposed MRCCA rules. At this meeting, DNR staff made a presentation summarizing the comments they had received on the working draft rules, the changes made in the pre-revisor’s draft, and some of the rationale for these changes. They also provided a written summary of the changes. The written summary and a .pdf version of the presentation are attached with this memo.

Draft Rule Changes

Staff will present highlights of the changes at the December 16 meeting. These include:

- Changes to the definition of bluffs and the elimination of very steep slopes
- Clarifications regarding nonconformities and what building expansions are allowed
- Changes to the ordinance flexibility provision and clarification of how ordinances and plans will be evaluated for consistency with rules
- Changes in how the rules will impact state and regional park agencies
- Changes to the provision for amending district designations and maps
- Changes and clarification of language regarding vegetation management and land alteration
- Changes and clarification of language regarding subdivision/land development set-aside requirements

Rule-Making Schedule

At the December 11 meeting, DNR staff indicated their intent to submit the rules to the Office of the Revisor of Statutes at the legislature by the end of the month. Sometime in early 2015, the DNR will Publish a Notice of Intent to Adopt Rules. At that time, a SONAR (Statement of Need and Reasonableness) for the rules will be published as well. Upon publication, a 30-day formal comment period will begin, during which time a public hearing will be held. Following the comment period and public hearing, DNR will provide responses to comments and then submit the rules and SONAR for review by an

administrative law judge(ALJ). The ALJ will issue a report, which may include modifications to the rules, and then send package on the Governor for review and a final decision on adoption. The DNR signaled their intent to have rules promulgated by mid-2015, but also noted that the agency does not have control over the timing of review by the ALJ and Governor.